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In re Application of :
Pearlman, Andrew L. :
Serial No. 10/696,287 :
Filed: OCTOBER 29, 2003 :
Docket: 701030-16 :
Title: TISSUE CHARACTERIZATION :
BASED ON IMPEDANCE IMAGES :
AND ON IMPEDANCE :
MEASUREMENTS :
DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed on June 21, 2006 under 37 CFR § 1.181. Petitioner requests the supervisory authority of the Commissioner to overturn the decision of not approving the Terminal Disclaimer filed on February 02, 2006.

The petition is dismissed as moot.

A Terminal Disclaimer was filed in response to an obviousness-type double patenting rejection in an Office action mailed October 31, 2005. The Terminal Disclaimer was not approved initially on the basis the Power of Attorney was not deemed proper.

In the interim between the filing of the petition and this decision on petition, the Terminal Disclaimer was approved (on July 20, 2006) upon reconsideration so that that decision on petition is rendered moot. Nevertheless, petitioner states, "the enclosed Power of Attorney is effective for all continuation applications." In the present situation this is true but petitioner should be aware of the latest revisions to 37 CFR § 1.32 effective June 25, 2004. If more than ten attorneys are individually listed as part of a Power of Attorney on a 37 CFR § 1.63 declaration or other paper filed before June 25, 2004, the same Power of Attorney in a continuation under 37 CFR § 1.53(b) filed on or after June 25, 2004 may no longer be effective.

PETITION DISMISSED AS MOOT.

Any inquiry regarding this decision should be directed to Allan N. Shoap, Special Program Examiner, at (571) 272-4514.

for Karen M. Young

Frederick R. Schmidt, Director
Technology Center 3700